

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Merrimack Congregation of
Jehovah's Witnesses

v.

Civil No. 10-cv-581-JD

Town of Merrimack, et al.

O R D E R

On today's date, a telephone conference was held in this case. Attorney Michael J. Tierney appeared for plaintiff, and Attorneys Garry R. Lane and Daniel J. Mullen appeared for defendants.

The parties anticipate that the hearing in this matter will likely proceed as an oral argument on plaintiff's facial challenge to the constitutionality of the zoning ordinance at issue. The parties reserve the right, however, to call live witnesses and conduct an evidentiary hearing to the extent they deem it necessary.

Having weighed the parties' requests regarding scheduling, the court issues the following order:

1. Defendants shall file an objection to plaintiff's motion for preliminary injunction on or before noon on January 18, 2011.

2. The evidentiary hearing in this case is scheduled to begin on January 19, 2011, at 10:00 a.m. The court understands that counsel for a party has a conflict on that afternoon. The court is prepared to end the first day of hearing early to accommodate that conflict. To the extent the hearing goes into a second day, it shall begin on January 20, 2011, at 12:30 p.m.

3. Counsel shall notify the court's case manager on or before January 18, 2011, whether counsel intends the hearing to involve live testimony or proceed instead by way of oral argument on the legal issues.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Dated: January 10, 2011

cc: Michael J. Tierney, Esq.
Garry R. Lane, Esq.
Daniel J. Mullen, Esq.